

**Chief Probation Officer Appointment, Evaluation, Discipline, and Removal Model
Comment Chart**

	Last	Professional Title	Affiliation	Comment
1.	Hon. Chris H. Gansberg, Jr.	Supervisor	Alpine County Board of Supervisors	The Alpine County Board of Supervisors provided the following comments. The proposed collaborative model is very similar to the existing governance model that has been utilized by Alpine County for many years. Providing equal representation of the county and the courts under the committee structure has been very effective in representing the interests of all stakeholders involved in the process and provides an open forum for discussion regarding the selection of candidates appointed to the position of chief probation officer. Traditionally, however, the final hiring decision is subject to approval by the presiding judge of the superior court, as well as an ongoing evaluation of performance. The Alpine County Board of Supervisors urges the task force to further consider including in its recommendation a proportionate shift in the fiscal responsibility for probation services to the state. This would further improve relations between the court and counties and provides a stable and effective revenue source for court-related services.
2.	Mr. Patrick Blaklock	County Administrative Officer	Amador County Administrative Agency	While the proposed collaboration strategy can greatly improve working relationship, there will remain an organizational structure conflict so long as managerial control of probation rests with the courts and budgetary control with the county. Even if a collaborative approach is utilized for the appointment, evaluation, discipline, and removal of chief probation officers, conflict and tension will remain. Specifically, chief probation officers will receive managerial direction from the courts, which may not be supported by the budgetary allocations approved by the boards of supervisors. While a collaborative approach may improve the current process, it is not a long-term solution. The task force should consider the problem from an organization efficiency perspective. This may help determine whether managerial and budgetary control of probation should continue to be bifurcated or whether an alternative organization structure might not only address the chief probation officer issue but also enhance the performance of the entire department. The advantages and disadvantages of placing probation wholly within the courts or counties should be considered.
	Mr. Michael Krietch	Chief Probation Officer	Amador County Probation Department	
3.	Hon. Merita Callaway	Chair	Calaveras County Board of Supervisors	The consensus of the board was that this model is a reasonable initial step in balancing the interests of the county and court. With fiscal responsibility for the probation department, the board values the opportunity to participate equally in the selection, evaluation, discipline and removal of the chief probation officer.
4.	Mr. George Roemer	Senior Deputy County Administrator	Contra Costa County Administrator's Office	Contra Costa County is in support of the proposed model as an initial step to address the issues of the appointment and retention of the chief probation officer. We believe that the proposed model is workable, and would provide assistance to counties in the short-term regarding probation governance issues. Additionally, we understand that while this proposal addresses the immediate, critical need for a chief probation officer, future task force recommendations may necessitate subsequent modifications of the proposal.
5.	Mr. Bart Bohn	County Administrative Officer	Fresno County Administrative Office	We are supportive of the direction the Probation Services Task Force has taken in developing this model. Given the joint responsibility of funding and administering the probation department's operations, it is appropriate for the county and courts to also share in the appointment, evaluation, discipline, and removal of the chief probation officer.

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6.	Mr. Rene L. Mendez	County Administrator	County of Inyo Administrator's Office	<p>While I certainly applaud the collaborative process used to work through this issue, it is not good public policy to carry it through to the day-to-day management and oversight of the CPO. While the proposed model does recognize some of the inherent problems with the current system, it does not alleviate any of those problems. Instead, it makes them more difficult to resolve.</p> <p>The issues or concerns pertaining to the governance structure are more historical and perception than reality. Why does the perception exist that the courts need to maintain control of the CPO to properly service the court? Every other agency or county department that services the court is not under their control and they appear to adequately provide the services needed by the court. These agencies or county departments include the District Attorney, County Counsel, Adult and Children Protective Services, Public Defender, etc.</p> <p>The most effective governance structures have the common thread that with the "authority comes the responsibility" and are not based on consensus. A sound personnel and organization model dictates clear lines of communication, authority and responsibility, which the model does not accomplish. Furthermore, it is unclear who would be the members of the committee. Finally, remember that boards of supervisors are typically isolated from personnel problems and issues in the early stages in order to keep them as objective as possible when they are asked to make decisions pertaining to litigation, investigations, lawsuits, etc. It is also important to keep supervisors separate and removed from personnel issues in order to eliminate conflict-of-interests and the appearance of bias.</p> <p>Appointment and evaluation by committee has the real potential of leading to personnel issues, votes of no confidence for the CPO and ultimately an ineffective CPO. How does the interim model propose to deal with issues when one side, but not the other, wants to discipline, provide an unsatisfactory evaluation, reprimand, remove, etc., the CPO? What process will be used to break the tie? What will the CPO do in the event they encounter this situation?</p> <p>Stating that the liability will be shared does not mean that it will actually occur. Why would either the County or the Court for that matter, agree to share any liability that they did not cause? How does the model propose to deal with among other things, litigation, legal representation and fees, settlement authority and monetary awards? How will the decisions be made and authority granted? How does the model propose to deal with county Brown Act requirements in this area? Furthermore, with the current financial woes being faced by the State, I find it hard to believe that they would want to incur more liability and costs and therefore, (a) appropriate the necessary funds; (b) grant the authority to the local courts to settle or incur costs not budget or (c) incur the costs to manage any liability issues from Sacramento.</p> <p>Clearly, it would make more sound policy and be the least costly to the State if the counties were given sole responsibility of the chief probation officers. However, short of taking this step, I would encourage the task force to provide more detail on the day-to-day implementation of the model, give serious consideration to sound personnel management practices and develop a model that clearly delineates authority, responsibility and accountability.</p>
7.	Mr. Larry Spikes	County Administrative Officer	Kings County Office of County Administrator	<p>Kings County's position is that since the chief probation officer is a county official, directing a county department, for which the board of supervisors has budgetary responsibility, then appointment, evaluation, discipline, and removal should rest with the board of supervisors. However, if for some reason a change to this model cannot be accomplished, then a shared model between the courts and the county, such as the one the task force is proposing is preferable to what exists today.</p>
8.	Ms. Lynne Margolies	Personnel Director	County of Lassen	<p>The proposed model does not detail what would justify removal of a chief probation officer. Would the position be at-will? Would removal be possible for political reasons, i.e. after the election of a new judge, could the probation officer be removed if the committee so voted, or would the removal be only for cause? Would this be a local decision? We have found in Lassen County, that those chief probation officers that also run the juvenile hall division have some protection under state codes. Would that be changed? Finally, would the end model include how the liability is shared, or again, would that be up to each county. Frankly, if all of these decisions are left to the local entity, the conflicts will probably still arise.</p>

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9.	Mr. Andy Whiteman	County Administrative Officer	Lassen County Board of Supervisors	The Board of Supervisors of Lassen County believes that the chief probation officer should either report directly to the board or to the courts. The proposed concept of a joint committee composed of county and court appointees creates a new cumbersome level of governance in our local jurisdiction. Using a joint committee to appoint and evaluate a chief probation officer may complicate the oversight of the probation department operations. We are especially concerned about the liability of a joint committee that would be shared between the county and courts. In the Dieter v. Lassen County case, the removal of the chief probation officer by the presiding judge resulted in a \$3.8 million judgment against the judge and the county. If the chief probation officer reports to the courts, the supervisors believe that the funding for the probation department should be transferred to the courts. In Lassen County, the probation department supervised a juvenile detention center partially funded by the county. We believe that the responsibility and liability for the juvenile center should be transferred with the probation department to the courts.
10.			Los Angeles County Chief Administrative Office	In recognition that Los Angeles County is a charter county, the task force's proposed model is not applicable. Although the proposed model may be feasible in any county, (including Los Angeles County, if it were a non-charter county), it is necessary to recognize that a collaborative effort regarding probation service delivery in Los Angeles County continues to exist with our court. Since overall probation management and fiscal responsibility remain with the county, decisions on appointment, evaluation, discipline, and removal of probation officers remain with the county board of supervisors. While we recognize that modifications to certain areas in the delivery of probation services are necessary, we do not perceive a sense of friction between our probation and court operations regarding the governance structure.
11.	Hon. Cynthia L. Murray	President	Board of Supervisors of Marin County	Although Marin County recognizes the importance of a cooperative working relationship with the courts, as long as probation services remains a locally funded responsibility, we believe that the hiring and evaluation of the chief probation officer should reside with the county board of supervisors. Therefore, the county would oppose the proposed model that would result in the joint court-county authority for the appointment, etc. for the chief probation officer unless the funding responsibility for probation services is substantially changed. In the case of Marin County, we currently have a formal memorandum of understanding with the courts that specifically provides for a cooperative process for the hiring, evaluation and termination of the chief probation officer.
12.	Hon. Robert C. Stewart	Chairman	Mariposa County Board of Supervisors	The board of supervisors has always had and continues to have a very cordial and collaborative working relationship with the superior court of Mariposa County. It is the position of the board of supervisors that the chief probation officers appointment, evaluation, discipline, and removal process in Mariposa County has worked well over the years and the Board of Supervisors does not favor making any changes in the status quo at this time. We do not believe that the model is a workable policy from a personnel perspective. It is difficult to believe that there is anyone serving on the task force who has practical personnel experience. It is our strong belief that a bifurcated personnel system will not work and will create more problems than the proposed "solution." It is simply not possible to do adequate evaluations and discipline of an employee by committee. The Board of Supervisors of Mariposa County respectfully requests that the proposed model not be recommended for approval. Additionally, the board of supervisors requests that if the model is recommended for approval, that Mariposa County be excluded from the operation and requirements of the model.
13.	Hon. Gloria Cortez Keene	Supervisor	Merced County Board of Supervisors	A situation where both the county and the judicial system are in some understanding would work. Perhaps a quarterly performance evaluation from the county to you would at least assist you in keeping abreast of what is happening in the communities that we both serve. One good way to overcome friction in almost any circumstance is communication.

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14.	Hon. Dave Potter	Chair	Monterey County Board of Supervisors	The Monterey County Board of Supervisors does not support the current organizational reporting model nor does it support the recommendation from the Probation Services Task Force, which places this hiring and firing responsibility with a committee. It is our belief that the proposed recommendation is not a pragmatic solution to this organizational problem and in fact can result in creating a more difficult reporting situation than what currently exists. The Monterey County Board of Supervisors believes that the reporting relationship of chief probation officer must be clear and direct. In our view, there are at least two more desirable options that would clarify and rectify this reporting responsibility problem. The first option, and in our view the more preferable one, would be to transfer the appointment, evaluation, discipline and removal responsibilities from the court to the board of supervisors. This option would be the easiest to implement, would maintain the chief probation officer as an equal with other county department heads, maintain the financial responsibility with the board of supervisors, and align the chief probation officers' employment with that of the rest of his or her department staff. The second less desirable option and one that our board could also support would be to transfer the financial liability for the chief probation officer to the courts. This option would entail the transfer of all probation staff and functions to the court as well as the funding that supports those programs. In our view, this option would be more difficult to implement; yet, it has been accomplished elsewhere, for example with court staff when the Trial Court Funding Act of 1997 was implemented. The Monterey County Board of Supervisors is eager to seek a solution to resolve this long-standing problem and is willing to serve as a pilot county to test either of these implementation alternatives. We are willing to seek legislative sponsorship of such a pilot if a legislative solution would assist.
15.	Ms. Helen Franchi	Management Analyst	Napa County Executive Office	Napa County would support a model as described with the following exception. Because the chief probation officer would remain a county officer, it appears overly cumbersome to have the evaluation of the position be through a committee process. The county should maintain the responsibility of an annual evaluation that would be submitted to the courts as information only. If it becomes necessary to institute disciplinary action, the committee would be called upon to review the situation and proceed upon an agreed course of action. With that exception, we support the proposed collaborative model and would make such a recommendation to our Board of Supervisors if asked.
16.	Dr. Michael Schumacher	County Executive Officer	Orange County Executive Office	I feel the proposal outlined by the task force is a collaborative process that equally involves both the court and county in all facets of the appointment, evaluation, discipline and termination responsibilities relating to the CPO, and therefore support such a process. The only thing I would suggest is that the "liability" provision should reflect that there is 'equal' liability. Using the terminology of "sharing" could lead one to infer that it might not be equal and therefore create conflict between a court and county as to who should bear more of the financial responsibility for acts of discipline and/or termination.
17.	Ms. Barbara Dunmore	Principal Management Analyst	Riverside County Executive Office	The proposed "interim" collaborative model for Chief Probation Officer Appointment, Evaluation, Discipline, and Removal provides for a committee comprised of an equal number of court and county representatives to make decisions. It is the county's understanding that, if approved, this collaborative process is an interim/short-term measure to deal with probation officer issues while the task force continues to work on a new governance model for probation. The interim measure compels the court and county to work together regarding probation issues and the status of the chief probation officer. The county looks forward to the task force's final report in June 2003.

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18.	Ms. Penelope Clarke	Administrator	County of Sacramento Public Protection Agency	<p>Following is suggested verbiage for the four elements contained within your letter:</p> <p>Appointment: The chief probation officer would be appointed by a resolution of the majority of the board of supervisors and an order of the majority of the superior court judges. The selection committee shall be composed of superior court judges and members of the board of supervisors in equal numbers (e.g. two judges and two members of the board of supervisors). The local superior court and county board of supervisors would each have responsibility for selecting its own members on the selection committee.</p> <p>Evaluation/Compensation: The chief probation officer would be evaluated by a majority of the board of supervisors and a majority of the superior court judges. The evaluations committee shall be composed of superior court judges and members of the board of supervisors in equal numbers with input from the chief probation officer and based upon previously agreed upon written goals and objectives for the next evaluation period.</p> <p>Removal: The chief probation officer would be removed by a majority vote of the board of supervisors and a majority vote of the superior court judges. The chief probation officer shall not be removed without cause, and shall be afforded due process with adherence to the Peace Officer Bill of Rights.</p> <p>Liability: The court and county would equally share liability for hiring, evaluation, discipline, and removal of the chief probation officer. The above standards apply to those appointed as a chief probation officer after the implementation of enabling legislation.</p>
19.	Hon. Fred Aguiar	Chairman	San Bernardino County Board of Supervisors	<p>The San Bernardino County Board of Supervisors recommends the following modifications to the proposed collaborative model. 1. Preserve option for broader involvement by local officials. We are suggesting that the model include a permissive process so that each county would retain the option of expanding involvement by local elected officials in these important policy matters. 2. Clarify the meaning of shared “liability”. Further detail as to the intended effect of this language would greatly assist local jurisdictions in correctly interpreting the task force’s intentions, and the impact of this concept upon courts and counties.</p>
20.	Mr. Gil Solario	County Administrative Officer	San Benito County Administrative Office	<p>San Benito County respectfully suggests that the answer is either or and not another layer of bureaucracy wherein both the county and the local court are assigned degrees of authority. Either the county or the local court should have complete control of the chief probation officer, not a combination of the two. In recommending an additional layer of bureaucracy, the Probation Services Task Force inadvertently diminishes accountability. A “committee” scenario is much less functional than the condition wherein a single agency is completely responsible for the position of chief probation officer. As well, it is San Benito County's opinion that should the local court assume 100% control of the chief probation officer, all related administrative and financial responsibilities would also fall under the local court's jurisdiction.</p>
21.	Mr. Manuel Lopez	County Administrator	San Joaquin County Administrator’s Office	<p>The proposed “collaborative model” for appointment, discipline, evaluation, and removal of the chief probation officer is an acceptable interim solution to several of the problems surrounding this issue. The collaborative model allows the board of supervisors, which is ultimately responsible for the provision of probation services, to have an equal voice with the judiciary in choosing the department head. It better aligns authority with responsibility.</p> <p>As we understand it, the collaborative model is intended as short-term legislation to serve as a governing structure until the Probation Services Task Force can craft a California model to serve as the long-term solution for governance of probation service. In addition, the collaborative model is not intended to be indicative of the format for the future California model. With the understanding, the County of San Joaquin supports the collaborative model as a short-term governance solution for probation services.</p>

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22.	Ms. Susan A. Mauriello	County Administrative Officer	Santa Cruz County Administrative Office	This model would have the advantage of giving the counties a theoretically equal say in appointing, evaluating, and removing the chief probation officers. However, it does not address the primary concern of counties, which is that accountability to the courts and fiscal responsibility should be united through a single command structures. The optimal structure would be to have the probation departments and their budgets transferred to the state and placed under the supervision and direction of the local court. Fiscal authority for all functions, including staff, facilities, etc., would be consolidated with the courts, eliminating the current inevitable conflict. Another possible resolution would be to place the chief probation officers under the supervision of the county administrative officers. Perhaps appointments could require the concurrence of the courts. This would at least provide some oversight over a department head who is responsible for a significant portion of the county budget. The proposed model would not provide a united command structure and would not resolve the current tension incumbent in requiring chief probation officers to implement court directions within an insufficient budget. While having a court/county committee jointly responsible for hiring, evaluating, and removing the chief probation officer would provide the counties with additional authority, this system would not resolve the structural weaknesses of the current system.
23.	Hon. Patricia Whitley	Vice Chair	Sierra County Board of Supervisors	Please be advised that the Sierra County Board of Supervisors supports the proposal to have the chief probation officer appointed by a committee consisting of members from the local court and the county board of supervisors.
24.	Mr. Mike Chrystal	County Administration	Sonoma County Administrator's Office	I do think that the recommendations are a positive step. Though not ideal, sharing responsibility for appointment, evaluation, and discipline of the Chief Probation Officer is an improvement over the current arrangement. I am fairly certain that the Board of Supervisors would agree, and am willing to present the matter to them at a later date, if requested to do so.
25.	Mr. Andy Pickett	Administrative Analyst	Sonoma County Administrator's Office	The recommendation that the court and county would share liability for hiring, evaluation, discipline, and removal of the chief probation officer leaves it unclear whether this means that the court and county would share equally for any liability for any subsequent action or inaction of the chief probation officer. If the court accepts equal representation for these items, then it should accept equal liability for the chief probation officer's conduct and matters under his/her control. Additionally, it is suggested that the responsibility for juvenile institutions not be legislatively tied to the chief probation officer, leaving open the option for a county to place such institutions under the responsibility of another department. The probation function can be separated from the operation of juvenile halls, ranches and camps.
26.	Mr. Larry T. Combs Mr. Curtis R. Coad	County Administrative Officer Assistant County Administrator	Sutter County Administrator's Office	<p>We have the following suggestions and comments for you:</p> <p>1) In the model, issues such as salary and discipline processes would continue to follow local county processes. Typically, county boards of supervisors act upon employee disciplinary matters in closed session meetings and then announce any actions taken in a public meeting governed by the Brown Act. With regard to disciplinary actions, it would seem that the committee might get involved as they will be conducting employee evaluations and making removal decisions. With this in mind, would the committee be an advisory committee to the Board of Supervisors regarding disciplinary actions? If it does function in that role, then the committee could be subject to Brown Act requirements.</p> <p>2) Regarding the provision to share liability for hiring, evaluation, discipline, and removal of the chief probation officer, we propose the task force consider expanding upon the definition of shared liability. We agree that the liability should be shared equally between the court and the county. We would suggest, however, that in instances of litigation wherein it is proven that a specific county or court official is clearly liable that the responsible agency (court or county) bears the full burden of any liability costs.</p> <p>3) We strongly support the provision that the counties have responsibility to select their own representatives on the committee and would hope that this language remains in the model.</p>

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27.	Mr. Brent Wallace	County Administrator	Tuolumne County Administrative Office	<p>I offer the following comments on the subject letter.</p> <p>Appointment - Many counties have very specific procedures outlined in the County Code regarding the recruitment process for a department head/executive position. Language should be included that would allow flexibility in this process. Such as, the recruitment process of the county will be followed if there is concurrence from the court - or a different recruitment process will be mutually agreed upon by the court and county. Any meeting of three or more members of the Board will be subject to the Ralph M Brown Act. Language should be included to allow for such a meeting to occur for the purposes of interviewing candidates. Evaluation - Evaluation should also include compensation. The county administrative officer must be included in each issue. Such issues as parity between departments, conducting surveys to establish salary, and to establish performance goals and objectives are already part of the duties delegated by boards' of supervisors to the county administrator for all other appointed department heads. Consistency needs to be maintained. Removal- Language should be included to make the chief probation officer an "at will" employee the same as any other appointed department head. Language should also be included to allow for the use of local rules for the removal of a chief probation officer, by mutual agreement between the court and the county. Again, if three or more members of a board meet, provisions must be made for the Brown Act.</p>
28.	Hon. Dave Rosenberg	Chairman	Yolo County Board of Supervisors	<p>The Yolo County Board of Supervisors opposes the recommended model for the appointment, evaluation, discipline and termination of the chief probation officer unless an amendment is made to allow continuation of our present system in Yolo County. The task force recommendation would in our view create another institution where the state has administrative control over a county function and department, while contributing no funds. It is our belief that either 1) full state assumption of the probation function, including funding or 2) full county responsibility and authority over probation in close collaboration with the courts is preferable to the task forces joint-control recommendation. Since our experience with option 2 has been so positive, we would hope the Judicial Council would give this alternative serious consideration. We would like to see the ability to retain our current system in Yolo County and respectfully ask the task force to consider so amending its recommendation.</p>
29.	Hon. Al Amaro	Chair	Yuba County Board of Supervisors, District One	<p>The Yuba County Board of Supervisors supports the existing methodology for appointing the chief probation officer and concurs with the comments of Yuba County Chief Probation Officer Steven L. Roper (see commentator #49)</p>
30.	Hon. Susan C. Harlan	Judge	Superior Court of California, County of Amador	<p>I agree with the proposed collaborative model.</p>
31.	Hon. John Martin	Presiding Judge	Superior Court of California, County of Calaveras	<p>I support the task force interim proposal for appointment, evaluation, discipline and removal of the chief probation officer. The task force has accepted a complicated assignment and should continue their valuable work. The interim proposal for appointment seems a reasonable compromise and may relieve tension that has existed between the courts and county administration on this issue.</p>
32.	Hon. Eddie T. Keller	Judge	Superior Court of California, County of El Dorado	<p>When our county opted to enact a charter system of government a few years ago, the voters expressly reaffirmed the power of the court in this area, therefore, the proposed model would undermine the will of our voters. Under the proposed model, if a county is unhappy with the chief probation officer and seeks his removal and the court disagrees, this will possible lead to bad feelings and or dealings with the court by the county. Also, the court could be stuck with a chief probation officer that defies directives and is difficult to work with. A proposal that makes better sense to me is to allow the selection and retention issue to be left to local option of the particular court. Those courts that wish to retain the current system will be allowed to do so. Those courts that prefer the model approach or complete relinquishment of the authority can opt for that.</p>
33.	Ms. Tina M. Burkhart	Court Executive Officer	Superior Court of California, County of Glenn	<p>If there is equal representation between the court and the county, what constitutes a quorum if not all representatives were present? What is the procedure if a tie in voting occurs?</p>

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34.	Hon. F. Dana Walton	Presiding Judge	Superior Court of California, County of Mariposa	The proposed model does nothing to resolve the question of whether probation departments should continue under the authority of counties or be shifted to the oversight of the State of California. Were probation departments moved under the State's authority, the concern over the current state of bifurcated control would be moot. Instead the proposed model ends up adding new complications. By creating committees composed of equal number of court employees and county employees, the potential of stalemates in committee voting only amplifies the problems the new model attempts to eliminate. Also, the functions the committees will assume are not those that can be done effectively when executed by more than one person, such as performance evaluations, drafted by a committee that does not even supervise the chief probation officer.
35.	Hon. Robert O'Farrell	Presiding Judge	Superior Court of California, County of Monterey	The consensus expressed by the judges of the Monterey Superior Court is as follows. Until the time that a permanent legislative solution is achieved, such as a state court take-over of probation department operations, a continuation of the presently existing structure is viewed as the most desirable. This structure does not appear to differ materially from other county departments, such as the sheriff and the county recorder, who are elected, but whose workers are employees of the county. The judges expressed reservations as to the practicality of the proposed interim committee approach to probation department oversight. It was felt that where good communication exists between the court and the county over probation department issues, such a committee would be unnecessary and likely even prove cumbersome. Where good communications do not exist, the committee approach would tend to mirror that status and not likely be productive. Until such a time as a more permanent solution can be established, the Monterey Superior Court commits to work in a cooperative spirit with the committee approach or any other interim model that is devised.
36.	Hon. M. Kathleen Butz	Presiding Judge	Superior Court of California, County of Nevada	The idea of a committee between the county and court is fine in that it would result in input from both sides, however, a 2-2 split accomplishes nothing; potentially it perpetuates stalemate and makes it work because it ossifies the current status quo that is ambiguous. Someone should have the ultimate authority to make a decision if a split vote occurs. From our court's perspective, a better proposal would be to include all aspects of the chief probation officer's position, including salary, on the committee's plate. In the event a tie vote occurs regarding hiring, the court would have the final say. The county would have the final say in budget and internal administrative issues. Another approach would be to create a committee of non-voting members who make recommendations only regarding the subjects of appointment, evaluation, discipline and removal. Ultimate decision authority would be the county for salary and internal administrative issues of the probation department and the court for appointment, evaluation and removal of the chief probation officer.
37.	Hon. Ira Kaufman	Presiding Judge	Superior Court of California, County of Plumas	The trouble with the model is why should the courts or the county have any liability when they can't hire or fire the chief probation officer. The only way to make the system work is to have several models instead of the one size fits all system. Give each county the opportunity to decide what works for them. What might be great for Los Angeles would be terrible for Plumas county. The main problem with the model is that no entity has control or responsibility. If one entity wants to fire the chief and the other doesn't don't we have a stalemate?
38.	Hon. Christian Thierbach	Presiding Judge	Superior Court of California, County of Riverside	I am concerned that the proposal by the task force will be unworkable in Riverside County. There has been a long history of tension between the court and the board of supervisors over the probation department. The board wants to control the hiring and firing of the chief probation officer because they control the purse strings. The court has always hired and fired the chief probation officer and sees no reason to relinquish that power. To create an even numbered committee staffed equally by representatives of the court and county will not work in this jurisdiction. In my humble opinion the ideal solution is to make probation a part of the judicial branch of government to be financed through Trial Court Funding. Each court would be responsible for the management of its own probation department and obviously would be in a better position (than a statewide probation agency) to deal with the unique local issues that arise in each jurisdiction.
39.	Hon. Michael T. Garcia	Presiding Judge	Superior Court of California, County of Sacramento	The probation department and the court of Sacramento County have a close working relationship. The probation department is in the unique position to carry out the orders of the court on a daily basis. Budget and staffing reductions make this task more and more difficult. It is imperative that the chief probation officer remain as independent as possible. County authority, no matter how slight, over the chief probation officer would have an unacceptably chilling effect on the chief probation officer's ability to freely advocate for the probation department's budgetary needs and requirements.

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40.	Hon. J. Michael Welch	Presiding Judge	Superior Court of California, County of San Bernardino	The model does not do anything to put some closure to this issue. It is unworkable because it sets up a situation where no solution could be had. This will affect any other decision that would be needed re: policy and finances. Lastly, the model is an interim measure. It could be changed depending on the recommendation of the task force on all the remaining issues. Maybe the model should just say that courts and counties should collaborate. That collaboration would take into account the concerns important to the respective courts and county. They would draft an MOU, which fits them. The model proposed forces the courts and counties to the table but provides no solution to an impasse. The discipline and removal provisions have the same criticisms applied to them. I do feel that the county should play a part in the selection and evaluation process. The final decision should rest with the court as probation has and always will be an arm of the court.
41.	Hon. Barbara Beck	Presiding Judge	Superior Court of California, County of Santa Barbara	I would indicate it appears to be better than anything that we came up with in a workshop concerning this issue at the Juvenile Court Judges Conference. I think the chief probation officer should continue to serve at the pleasure of the court, however, find this proposal an acceptable alternative.
42.	Hon. Rodney Melville	Presiding Judge	Superior Court of California, County of Santa Barbara	This recommendation seems to be well balanced and reaches a good compromise. Dividing the appointment responsibilities between the court and county is good because the county needs some say since it is their budget responsibility. The court definitely needs some say because of the probation department's responsibility to the court. I hope we can get agreement on this result from all interested parties.
43.	Hon. Richard C. Turrone	Presiding Judge	Superior Court of California, County of Santa Clara	The court has four areas of concern: 1. The model removes from necessary, exclusive court control a confidential function that the probation department performs as an arm of the court in support of our judicial duties; 2. The model creates a conflict of interest for the chief probation officer and may violate the separation of powers principle; 3. the model provides for an equal number of representatives from the court and the county on the selection committee, which will result in a likelihood of impasse. Provisions must be made for an interim or acting probation officer if the equally-divided committee fails to reach a timely decision on the appointment or termination of a chief probation officer; and 4. the model places the responsibility of evaluating the performance of the chief probation officer with a committee, half of whom have a minimal understanding of the function of the chief probation officer. In conclusion, the court has no complaint in establishing a process that permits county government to play a part in the appointment and removal process, but the court should make the final decision. (For complete comments, see attached letter)
44.	Hon. Jim Ruggiero	Presiding Judge	Superior Court of California, County of Shasta	I believe that the proposed collaborative model would be very problematic. First, it seems that if probation is to serve the court, it ought to be responsible to the court. However, even if that proposition is rejected, it seems to me that an even numbered panel could very easily end up permanently deadlocked. Finally, what could be more frustrating than having to serve the diverse interested of two masters, the court and the county? I believe that responsibility for the probation office and the power of appointing the chief should be with the court.
45.	Hon. Scott L. Kays	Presiding Judge	Superior Court of California, County of Solano	The model creates a dilemma: who breaks the tie? An equal number of appointment committee members may invite discussion and collaboration but also promotes impasse, discord, stonewalling and delay in the selection of a chief probation officer. The recommendation fails to address the importance of the link between probation and the court. Re: discipline and removal, the proposal creates the same problem and is subject to the same criticism as the recommendation for appointment. The court should make the decision on appointment, discipline, and removal. Re: liability: this is unclear and unacceptable in its present form. If the recommendation is for an equal allocation of the out-of-pocket expenses involved in hiring, evaluation, discipline and removal, then a further definition of "expenses" needs to be provided in the recommendation. Furthermore, does "share Liability" include, for instance, costs of defense and pay-out (either in settlement or to satisfy a judgment) in a wrongful termination or constructive discharge action? Re: evaluation a joint, annual evaluation has merit. (For complete comments see attached letter.)

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46.	Hon. Rene Auguste Chouteau	Judge	Superior Court of California, County of Sonoma	It has been my experience that in order to hold an employee accountable for his or her performance, a clear line of authority for hiring, evaluating, and disciplining the employee must be established. By creating dual responsibility for these functions, to be shared by the courts and the county, your model fails to accomplish this goal. I fear that the democratic collaboration process which is proposed will result in the hiring of chief probation officers who are accountable to neither entity. I suggest that if probation continues to operate as a county department, the county should be responsible for hiring, evaluating, and terminating the chief probation officer. One inconsistency in the proposal is that on page two discipline of the chief probation officer is left to the county, while on page three the removal of the chief probation officer is delegated to a committee composed of an equal number of court and county representatives. The concept of progressive discipline includes termination as a most severe form of discipline and I suggest the same body which imposes the discipline should have available to it all forms of discipline including the possibility of termination. Another concern that I have with the proposed model is that supervision by a committee is doomed to failure. Supervision of any employee is a full-time job and should not be left to a committee, which would quite likely be political in nature and meet sporadically at best. I suggest that a more efficient model would be to leave all employment decisions to the county as the employer and that these duties be assigned to the county's chief administrative officer. A procedure allowing the courts to comment upon the courts needs or recommendations during the hiring, evaluation or termination process would be appropriate.
47.	Hon. Marie S. Silveira	Presiding Judge of the Juvenile Court	Superior Court of California, County of Stanislaus	This court does not concur with the proposed model. We strongly support the current practice in Stanislaus County which vests the authority for appointment, evaluation, discipline, and removal of the chief probation officer with the presiding judge of the court. To allow a county board of supervisors and/or the county chief executive officer to select, evaluate, and remove the chief would mean the demise of the legal relationship that now exists between the chief and the court.
48.	Hon. James Curry	Presiding Judge	Superior Court of California, County of Yuba	This proposal creates more problems than it could ever possibly answer. The model would force counties and courts where there have not been problems to engage in a process that is not needed or necessary and is ripe for creating problems where none ever existed. The Yuba County Courts hope and request that we be allowed to continue with the process we have utilized for many years, those practices work well for us and we do not see any benefit in the change suggested. I adopt the statements and suggestions made by Mr. Stephen L Roper (comments below.)
49.	Mr. Stephen L. Roper	Chief Probation Officer	Yuba County	My point of departure with the task force's proposal stems from the belief that it is my responsibility and that of the court and county to foster and nurture this collaborative relationship that exists in Yuba County and it cannot be legislated. Regarding Appointment: if as proposed, the chief would remain a county official, with issues such as salary and discipline continuing to follow county processes, then the proposal simply legislates what any county can create from a collaborative relationship. This process is not collaborative by relationship, but rather inclusive by mandate. Further, the committee structure does not create clear interrelationships between the parties and creates the possibility for greater divisiveness than currently exists. Re: evaluation: I agree with the concept of joint evaluation. Re: removal: I disagree with this element of the proposal as there is no clarity greater than currently exists. The two current parties, the court and county simply become groups of individuals with votes. Re: liability: liability is a natural outcome of responsibility and how that responsibility is carried out.
50.	Executive Subcommittee of the Court Executives Advisory Committee (CEAC)			The CEAC Executive Subcommittee has carefully considered the proposal and the recommendation from its subcommittee and is opposed to the model as circulated. The Executive Subcommittee recognizes that the draft model is a worthy effort in acknowledging the importance of court/county collaboration in the delivery of critical services. The Executive Subcommittee thinks that the interim model may be a preferred method rather than legislation that might be introduced, conveying appointment and removal power exclusively to either the courts or the counties. However, the Executive Subcommittee does not see the proposed interim model as a sufficient solution to the determination regarding where the authority over the probation department functions should reside. In the interim, the task force should encourage each court and county to meet and discuss this issue in an effort to arrive at a local agreement.

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Last	Professional Title	Affiliation	Comment
51. Trial Court Presiding Judges Advisory Committee (TCPJAC) Executive Committee			<p>The TCPJAC Executive Committee has carefully considered the proposal and the recommendation from its subcommittee and is opposed to the model as circulated. The Executive Committee recognizes that the draft model is a worthy effort in acknowledging the importance of court/county collaboration in the delivery of critical services. However, the Executive Committee recommends that an alternative model would be more effective in this endeavor.</p> <p>The Executive Committee recommends that the Probation Services Task Force consider introducing legislation that requires counties and courts to initiate a dialogue to develop a collaborative probation officer appointment and removal model that meets the unique needs of their individual county. The Executive Committee also recommends that statute would indicate that if counties and courts fail to develop this model, a default model (to be developed) would be imposed. The Executive Committee also recommends that the Probation Services Task Force might consider a recommendation that funding responsibility of probation services be transferred to the State.</p>
52. Ms. Norma Suzuki	Executive Director	Chief Probation Officers of California (CPOC)	<p>The chiefs in attendance at the Chief Probation Officers of California (CPOC) meeting in Shell Beach met and discussed the proposed model in depth and submitted the comments below on the proposed model from CPOC. Also attached to the comments on the proposed model is a statement developed by the CPOC as to the qualifications of a chief probation officer. It is felt that the appointment process should be accomplished with inclusion of stated qualifications.</p> <p>Appointment: The chief probation officer would be appointed by a resolution of the majority of the board of supervisors and an order of the majority of the superior court judges. The selection committee shall be composed of superior court judges and members of the board of supervisors in equal numbers (e.g., 2 judges and 2 county board of supervisors or 3 judges and 3 county board of supervisors). The local superior court and county board of supervisors would each have responsibility for selecting its own members on the selection committee.</p> <p>Evaluation / Compensation: The chief probation officer would be evaluated by a majority of the board of supervisors and a majority of the superior court judges. The evaluation committee shall be composed of superior court judges and members of the board of supervisors in equal numbers with input from the chief probation officer and based upon previously agreed upon written goals and objectives for the next evaluation period.</p> <p>Removal: The chief probation officer would be removed by a majority vote of the board of supervisors and a majority vote of the superior court judges. The chief probation officer shall not be removed without cause, and shall be afforded due process with adherence to the Peace Officer's Bill of Rights.</p> <p>Liability: The court and county would share liability for hiring, evaluation, discipline, and removal of the chief probation officer.</p> <p>The above standards apply to those appointed as a chief probation officer after the implementation of enabling legislation.</p>
53. Ms. Sylvia J. Johnson	Chief Probation Officer	Alameda County Probation Department	<p>I fully concur with the recommendations made by the Chief Probation Officers of California (CPOC) in response to the proposed collaborative model. Your letter references "two individual counties that sponsored legislation that would have transferred the appointment process from the courts to the board of supervisors." That legislation did not pass because of the desire on the part of the state legislature to allow the Judicial Council and the California State Association of Counties (CSAC) to develop a model that would be applicable statewide. I am now informed that Alameda County Supervisor Gail Steele is initiating a process involving a November ballot initiative for the chief probation officer of Alameda County to report solely to the board of supervisors. None of these piece-meal legislative efforts address the issue of the fundamental lack of agency infrastructure and staffing resources to respond to all the competing interests, i.e. judges; members of the board of supervisors; policing agencies; community; overwhelming adult and juvenile client needs; unfounded statutory mandates; and overall interest in public safety. Even if Lee Iacocca were appointed chief probation officer, you would not have resolution of the issue. The policy discussion is irrelevant unless there are sufficient staffing resources to carry out expectations of all of these competing entities.</p>
54. Mr. Doug Rublaitus	Chief Probation Officer	Alpine County Probation Department	<p>On August 6, 2002 the Alpine County Board of Supervisors, the Honorable Harold Bradford, Presiding Judge of the Alpine County Superior Court, and myself met to discuss the proposed collaborative model. We were all in agreement that the proposed model could be adopted to address this continuing issue. All in attendance agreed that it is probably not a permanent solution to the problem, but it would provide an adequate stopgap until a more permanent solution can be agreed upon. The board of supervisors then unanimously adopted this proposed collaborative model and unanimously voted to support it.</p>

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	Last	Professional Title	Affiliation	Comment
55.	Mr. James Moffett	Chief Probation Officer	Calaveras County Probation Department	I join the Calaveras County Superior Court and the Board of Supervisors in supporting the proposal for appointment/removal of the chief probation officers. I believe that the proposal will bring equity and balance to what has (too often) been contentious and controversial practices in many counties.
56.	Mr. Joseph S. Warchol II	Chief Probation Officer	El Dorado County Probation Department	As a Chief Probation Officer of El Dorado County, I am content to remain appointed, evaluated, disciplined, and if necessary, removed by the courts. As an arm of the court, my role, duties, and responsibility to the court is very clear. My role, duties, and responsibility to El Dorado County is also very clear. The model to appoint, evaluate, discipline, and/or remove the chief probation officer is not a "bad" idea, but rather flawed. The concept of "shared liability" does not apply to the courts, because there is no liability. The real issue is the lack of shared resources for probation services, to enable courts and counties to promote public safety. Until this issue of resources is resolved, the existing process in the appointment, evaluation, discipline, and removal of the CPO should remain as is.
57.	Mr. Bill Burke	Chief Probation Officer	Humboldt County Probation Department	<p>Generally speaking the model looks as good as anything else suggested. I suspect there will always be some inherent difficulties/contradictions. Hopefully this will move towards creating a better working arrangement. While CPOC is submitting an organizational response I have some additional comments/thoughts/recommendations</p> <p>Appointment: I like the idea of even numbers. Tiebreakers can harden positions and avoid creating a need to cooperate/shared responsibility, which would could put a new appointee in an untenable position. WIC 270 would need to be changed removing Juvenile Justice Commission from the process. I would expect JJDPC's will not be happy about this. Suggest upon appointment that there be both a court order and a board resolution.</p> <p>Evaluation: Shared responsibility would be good. Format will probably be difficult to make consistent from county to county. Written evaluation with agreed upon goals & objectives would make sense. I think you'll see comments in the CPOC input that evaluation should come directly from the court & board rather than designees and making compensation part of this section.</p> <p>Removal: Language should be consistent w/ appointment process. Current proposal does not appear to anticipate Peace Officers Bill of Rights/due process/ "removal for cause" issues (1203.6 PC). These need to be included in the model.</p> <p>Suggest adding Qualifications in the model: minimums of BA, PO Core Course completion, 832 PC training; background check; history of/knowledge of law enforcement principles, etc.</p> <p>Last, at CPOC it was represented that the intent of legislation would be to grandfather incumbents. Is this the intent and will language reflect that?</p>
58.	Mr. Larry Rhoades	Chief Probation Officer	Kern County Probation Department	I have no problem with the proposal. My comments are directed toward the CPOC correspondence you have or will receive concerning the "Qualifications for a Chief Probation Officer". I do not wish to address each qualification separately. I am opposed to putting ANY qualifications in the proposed legislation. I feel strongly that this would only confuse the issue. If the intent of this legislation is to support dual local jurisdiction in the appointment of the chief probation officer I think it is counterproductive to then mandate conditions and qualifications on that deliberative process regardless of how enlightened and innocuous they appear. I am aware that this view is not supported by CPOC but it is my position.
59.	Mr. Steve Buchholz	Chief Probation Officer	Lake County Probation Department	It seems clear from the comments I heard at the CPOC meeting that legislation will be introduced. I would suggest that a grandfather clause for existing chiefs be included in the legislation so there is no question by the judiciary or the counties. My only other comment would be that you include a "remove for cause only" statement within the legislation.
60.	Mr. Bryce Johnson	Deputy Chief Probation Officer	Mariposa County Probation Department	The model is reasonable and workable for every county. It should be adopted so as to ensure consistency in the appointment, evaluation, discipline, and removal of a chief probation officer and most importantly, to help prevent the breakdown of the integrity of a probation department

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61.	Ms. Gail A. Neal	Chief Probation Officer	Mariposa County Probation Department	<p>I understand the difficulty in determining in which world the chief probation officers belong. It is often equally as difficult for us chiefs, as we must attempt to please both sides, i.e., board members and judges.</p> <p>While I am sure that some county board of supervisors do not want to give up control, placing the probation department, as a whole, under the jurisdiction of the court would seem most appropriate. After all, we are known as an arm of the court. All areas, including funding, would be under the courts and it would be clear as to whom we would answer. However, given the direction the task force is going, and issues of which I may not be aware, I know my opinion is merely that.</p> <p>That said, based on the Proposed Collaborative Model mailed on July 16, 2002, I have only a couple concerns. I feel the appointing committee should be specific, i.e. board members and judges, not their representatives. It would be a conflict in many cases to have the CAO, CEO or other appointed department head making the decision as to who to hire. The new chief should only have to answer to those who appointed him or her. Additionally, any removal, by committee or otherwise, should be "with cause" and should be noted as such. Again, they should not be "representatives," but rather board members or judges.</p> <p>Thank you for the opportunity to submit my comments.</p>
62.	Mr. Bill Davidson	Chief Probation Officer	Merced County Probation Department	<p>I am not in total agreement with the model as written. I have two major concerns. My first concern is those positions who make up the selection committee need to be the same positions that make other decisions reference the evaluation and retention of the chief probation officer. If two judges and two board members make up the selection committee (it could be more) the same two positions from each entity (I don't mean who holds those positions) need make any other recommendations regarding annual evaluation and removal decisions. I do not like the idea that those who hire you then delegate evaluations and retention decisions to other staff. Those who hire the person I believe should make any other critical decision about your career. I believe this is just good personnel practice. I believe the document submitted by the Chief Probation Officers of California (CPOC) is in fact on point and I agree with their elaboration on the model as it relates to appointment, evaluation and removal. My second concern is that any model that is legislated should allow incumbent chiefs to make a decision to remain under the system they were hired under and subject to the laws that were in effect at the time until they leave office or to select to come under the new legislation, once enacted, if they choose.</p>
63.	Ms. Stephanie Lewis	Chief Probation Officer	Orange County Probation Department	<p>I would like to comment that Orange County has applied a process to the appointment of the chief that closely parallels the task force's proposal. In my opinion, this county is a clear example of the successful feasibility of the plan. A collaborative process between the judges and the board of supervisors can work effectively as demonstrated here for many years. Thankfully, it has not been our experience to have to consider the disciplining or removal of a chief. In the event such action might be necessary, I would personally add my support to CPOC's position that encourages language be included in the plan that would acknowledge a chief's rights to due process as outlined in the Peace Officer Bill of Rights.</p>
64.	Mr. Verne L. Speirs	Chief Probation Officer	Sacramento County Probation Department	<p>I have had the opportunity to review your proposed model and the subsequent information submitted by CPOC, which expands upon the original material your office prepared. I believe the clarifying points and additions by the CPOC significantly strengthen the proposed model. They should be incorporated in any final recommendation. Under the heading of Evaluation and Compensation contained in the material submitted by CPOC, I would suggest that the compensation for the chief probation officer be reviewed and set annually. This review should coincide with the chief's job performance evaluations, which is proposed to be done jointly by the courts and the board of supervisors. Finally, I strongly endorse the CPOC recommendation that the chief probation officer be afforded due process under the Peace Officer Bill of Rights. Also, that there be a "grandfather" provision for chiefs currently in office and that the new model only apply prospectively after enactment of any enabling legislation.</p>

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65.	Mr. J. Christopher Hope	Chief Probation Officer	San Joaquin County Probation Department	The proposed model does not appear to offer a solution, but rather a continuation of the status quo. Our primary concerns with the model are as follows: (1) it continues the current dual master relationship that potentially places the chief probation officer in an untenable position between the court and the board of supervisors. As long as the court and the board have a healthy working relationship, this model is benign. But that is not always the case. A chief probation officer should be required to report to, and be held accountable by, only one entity. (2) the model as proposed has the potential for a tie vote in the event that the court and the board do not share a common perspective on matters involving the chief probation officer. As is often the case, the court and the board of supervisors can be on opposite sides of issues involving philosophy, policies, resources, or operations of the probation department. As probation is an arm of the court, a clean, workable solution to this issue would be to treat probation in a similar fashion to the courts under trial court funding. Probation would be placed under the courts where it belongs, both operationally and fiscally, and counties would assume a maintenance-of-effort funding level which would be transferred annually to the state as is done with the courts. We would prefer to see a sound, long-term solution to this issue rather than a quick fix approach that fails to go to the heart of the matter.
66.	Ms. Susan Gionfriddo	Chief Probation Officer	Santa Barbara County Probation Department	<p>Because the vast majority of probation services are rendered on behalf of the courts, I have always felt comfortable being court-appointed and would prefer that model to continue. However, I recognize that the Task Force has concluded that a compromise is in order. If, in fact, a collaborative model of appointment is inevitable, I do support the Chief Probation Officers of California proposal as submitted. I do not believe the task force's current proposal is workable and do not believe responsibility for appointment should be a function to be delegated to a committee comprised of anyone other than members of both the judiciary and the board of supervisors.</p> <p>Having said that, I do question the advisability of separating the recommendation for appointment from the ultimate recommendation for a funding model. Having served as chief for fourteen years, I've concluded that the most egregious problem facing probation is the lack of stable funding sources. A partially funded justice system creates a real paradox by undermining the court's integrity when, due to inadequate funding, probation cannot assure accountability for the offenders under court ordered supervision.</p> <p>It is my opinion that the court is best positioned to effectively evaluate the services of the chief probation officer by reason of the direct oversight of probation's work, regardless of funding limitations.</p>
67.	Mr. John Cavalli	Chief Probation Officer	Santa Clara County Probation Department	This looks like a compromise that will please no one. Having two sets of bosses does not work and this model would be a nightmare.
68.	Mr. John Rhoads	Chief Probation Officer	Santa Cruz Probation Department	My concerns about the process as described are this; Why did the task force not mandate that the Presiding Judge of the Juvenile Court or their designee be included in this process; Would it not be possible for some courts to place on this committee judges who have little or no experience in juvenile matters; Maybe I am being nitpicky but that is just the contrarian in me; After all probably more than 50% of what a CPO does in most California counties has to do with juvenile matters.
69.	Ms. Cora Guy	Chief Probation Officer	Sonoma County Probation Department	Regarding recommendations for the appointment, evaluation, discipline, and termination of the chief probation officer, I think it's a great compromise. All three recommendations have my support. I am responding to say that I agree with the recommendations in terms of creating a balance between the court and the local authority where each has a vested interest and vested power. This works well for me as a chief in Sonoma County.
70.	Mr. Pat Costello	Chief Probation Officer	Siskiyou County Probation Department	The proposal outlined in your letter dated 7/16/02 would seem to place the chief probation officer in a position subject to the whims of a designated group of between 4 and 6 people. Offend one of these people (send their son to CYA, etc) and the chief could be on the hot seat. The "Removal" paragraph does not say anything about "just cause". Is this taken for granted or is "cause" being eliminated? You may want to refer to a recent Lassen County termination.

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Last	Professional Title	Affiliation	Comment
71. Ms. Shirlee Juhl	Chief Probation Officer	Tuolumne County Probation Department	<p>Under the subheading “Model”, the statement is made “... probation would continue to operate as a county department and the chief probation officer would remain a county officer. Therefore, issues such as salary and discipline processes would continue to follow local county processes.” While the salary has been set and controlled by county processes, any disciplinary action has been controlled by the courts. It would seem more reasonable, if discipline is also to be addressed in this proposal, that it would be handled in a similar manner as the appointment and evaluation process. If left as described in the section titled “Model”, there would now be an issue for the courts that the county would handle disciplinary actions and the court would share any liability incurred. This would be as untenable for the courts as the current process seems to be for the counties. The Chief Probation Officers of California recently met and discussed the proposal at great length. A recommendation was drafted by CPOC that clarified some of the language in the proposal. Under the section titled “Appointment”, we believe it is mandatory that the Selection Committee be comprised of superior court judges and members of the board of supervisors. While staff work and recommendations are important to the process, it is essential that the selection committee be comprised of those in authority to make the ultimate appointment. We also believe an Order of the majority of the superior court judges and a resolution of the majority of the board of supervisors would be needed to make the actual appointment. Under the section titled “Evaluation” we believe a committee should be established which would be composed of superior court judges and members of the board of supervisors in equal numbers with input from the chief probation officer. The evaluation would be based upon previously agreed upon written goals and objectives that would be established for each evaluation period. The evaluation would be approved by a majority of the superior court judges and a majority of the board of supervisors. Under the section titled “removal”, based on an action that would be generated by the evaluation or a disciplinary process, the chief probation officer would be removed by a majority vote of the superior court judges and a majority vote of the board of supervisors. The chief probation officer shall not be removed without cause, as is delineated in existing law, and shall be afforded due process with adherence to the Peace Officer Bill of Rights. Under the section titled “liability” we believe it important to emphasize that the court and county would share equally in any liability arising from the hiring, appointment, evaluation, discipline and removal of the chief probation officer. When you made your presentation to CPOC, you said you believed it was understood that existing chief probation officers would be ‘grandfathered in’. CPOC believes to insure the intent is codified, the proposal must contain language such as “The above standards apply to those appointed as a chief probation officer after the implementation of enabling legislation.” It appears on the whole that the proposal addresses the most immediate concerns of governance in as fair and equitable a way as possible under the circumstances.</p>